

To: CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA[]
Cc: CN=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA[]
Bcc: []
From: CN=Erin Foresman/OU=R9/O=USEPA/C=US
Sent: Tue 5/17/2011 3:38:08 PM
Subject: Re: 5 agency group
[EPA CooperatingAgencyStatus_BDCP_111208.pdf](#)
<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>

I can't think of anything else we should add. You could always attach our cooperating agency letter EPA signed for BDCP; it comes with scoping comments attached. I hooked it onto this message just in case you want to look at it again. It's short.

Erin Foresman
Environmental Scientist & Policy Coordinator,
US EPA Region 9 C/O Army Corps of Engineers
650 Capitol Mall Suite 5-200, Sacramento, CA 95814
Phone: (916) 557 5253, Fax: (916) 557 6877

<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>

-----Tom Hagler/R9/USEPA/US wrote: -----

To: Karen Schwinn/R9/USEPA/US@EPA
From: Tom Hagler/R9/USEPA/US
Date: 05/16/2011 04:19PM
cc: "Erin Foresman" <Foresman.Erin@epamail.epa.gov>
Subject: Re: 5 agency group

Yes, all that works.

- I would probably say the NEPA caveat is one that we already gave them in our cooperating agency letter. Hopefully, LF can pull that one up quickly.

- The caveat that we're doing 404 pre-app should probably include at least a short nod to the distinction between the Corps (the actual permitting agency, who will get sued when they have an inadequate EIS) and us (who probably won't). BTW, that will get tricky if Paul is the Corps lead, since he is planning, not regulatory. I would be really clear over and over that we EPA cannot speak for the Corps regulatory.

I would probably leave the plug for an MOU to the end, and point out once again that both HSR and CalTrans have done them.

Tom Hagler
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street, RC-2

San Francisco, California 94105-3901
Phone: (415)972-3945

From: Karen Schwinn/R9/USEPA/US
To: Tom Hagler/R9/USEPA/US@EPA, "Erin Foresman" <Foresman.Erin@epamail.epa.gov>
Date: 05/16/2011 04:12 PM
Subject: 5 agency group

So if I were to accept Jerry's invitation more formally, what do you think I should say? I was thinking -

Appreciate the opportunity to participate in your weekly mtgs

Epa's roles wrt bdcg are 404 and nepa....

On important and complex projects we try to provide early input on mtg cwa reqts and complying with nepa

We support doing a nepa/404 mou.

Add whatever caveat we typically put in coop ag acceptance ltrs

Other caveat?

Consider this part of our NEPA cooperating agency role and the 404 pre-app process

Other caveats to address worries?